

REMARKS

A Restriction Requirement was mailed September 26, 2007 in the above case, subjecting claims 1-12 to restriction and requiring election from Group I (claims 1-12—method for producing a medicament comprising alprostadil); and Group II (claims 1-12—method of stimulating angiogenesis). Group II is further subjected to election of species of generic invention (i) – (xv).

A. Group II Claims Elected with Traverse, with Election of Species

As suggested by the Examiner, the claims are amended to delineate the character of the claims associated with each of the groups. Claims 1-12 are amended to clearly recite a method of use of a medicament, with claim 1 a generic use claim and claims 2-12 species claims. New claim 13 recites a medicament for specific treatments. No new matter is added thereby.


The claims of Group II (claims 1-12) are elected with traverse. Species (iii) relating to cardiomyopathy and chronic heart failure, covered by claim 2, is also elected. The election is with traverse with respect to the use of alprostadil in a medicament for treatments of cardiomyopathy and chronic heart failure, a species of the new medicament claim 13. In this case, the common technical feature becomes a medicament containing alprostadil for promoting angiogenesis in patients with cardiomyopathy and/or chronic heart failure. It would be expected that searches for both the product and use relative to a linking species would not be unduly burdensome. Accordingly, at least partial withdrawal of the Restriction Requirement is respectfully requested.

B. Conclusion.

Although no fee is believed to be due, please charge Deposit Account No. 50-1123 any fees deemed associated with this filing.

Respectfully submitted,

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